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EXAMINER

DIEP, TRUNG T

ART UNIT

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,093	Applicant(s) WATANABE ET AL.	
	Examiner TRUNG DIEP	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed on 09/04/2009 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 4, 7- 9, 11, 14 -19, and 22 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (translation copy of JP 2001024982), cited by the applicant, in view of Squilla et al. (US 6,919,920 B2).

As to claim 1, *Kato discloses in figures 1-6, an image management apparatus (i.e., public works photograph management system, figure 2, paragraph [0005]) comprising:*

a photography instruction information storage memory (image database 5, fig. 3) configured to store a photography instruction information (i.e., each component of database 5 has the structure of the photography information as shown in table 1, the information as disclosed can be considered as the photography instruction information which is set by the computer and stored therein, and it's then sent to the camera to instruct the camera to capture an image, see figures 1 and 2, paragraph [0005]) that

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indicates a predetermined subject to be photographed (*a civil engineering structure; see figures 1 and 2, paragraph [0005]*);

an input unit (*communication control means 6, fig. 3*) configured to receive an input of image data obtained by the imaging apparatus (*digital camera 3*) according to the photography instruction information (*i.e., transmitted image data received by the communication module of the digital camera*) (*see figure 3, paragraph [0005]*);

a storage memory (*memory measure 9, fig.3*) configured to store the image data (*i.e., for storing photography information and image data*) (*see figure 3, paragraph [0005]*);

a communications interface (*communication control means 6, fig. 3*) configured to send the photography instruction information to an imaging apparatus (*digital camera 3*) via a communication means (*mean of communication 4*) and for receiving information transmitted (*i.e., photography information and recorded image data are to be transmitted and received by the communication control means 6 via the means of communication 4 which communication 4 appears to be a cable or wired communication*) (*see figures 2 and 3, paragraph [0005]*);

Kato **does not explicitly disclose** a communications means is the wireless communication network.

However, *Squilla teaches in figures 1-7, Col. 4, lines 61-65*, a photographic system for enabling interactive communication between a camera and an attractive site which the exchange takes place between the sites such as the camera 26 and the

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image spot 10 via a wireless link 60. *Thus, wireless link can be considered as the wireless communication network.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to modify the Kato device to implement wireless communication as taught by Squilla so that photography instruction information and image data can be wirelessly transmitted and received by both sites. Doing so, it would have improved the communication between the sites since it would be difficult for running a communication cable to a remote site via rural areas.

With regard to claim 2, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato and Squilla, in combination, further discloses the input unit is configured to receive the input of the image data sent from the imaging apparatus via the wireless communication network (*i.e., the wireless communication subsystem includes wireless transceiver¹⁸ interchanging signals with an antenna 20 and telecommunication processor for communicating with digital camera 24 which their combined functionalities are functioned as the input unit, and the photographed image data exchange is taken placed between the camera, mage spot, and the server via wireless link 60, 74a, and 74b; see figures 1 and 2, Col. 4, lines 61-65 and Col. 5, line 53 to Col. 6, line 57).*

With regard to claim 3, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Squilla further discloses the communication control unit configured to compare means for comparing the image data stored in the storage memory with the photography instruction information stored in the photography

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instruction information storage memory, and for controlling the communications interface such that the photography instruction information corresponding to the image data is sent again to the imaging apparatus in the case where the storage memory does not have the image data corresponding to the photography instruction information (*i.e., the received image data is reviewed against the data stored in the personality file which the result determines what extra data is to be used in performing the extra services requested, and the extra data or content may be reviewed on the LCD of the camera. Thus, the combined functionalities of the image spot 10 and server 70 functions as the image management apparatus; see figures 2 and 5, Col. 8, lines 51-67 and Col. 9, lines 1-16*).

With regard to claim 4, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato and Squilla, in combination, further discloses the photography instruction information includes at least position information representing a position of the subject (*i.e., the content databases in the image spot 10 includes global positioning (GPS) data; see Col. 7, lines 47-67 and Col. 8, lines 1-9*).

With regard to claim 7, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Squilla further discloses the wireless communication network refers to at least one of a wireless local area network (LAN) communication network, or a cellular phone network, and a short range wireless communication network (*i.e., the photographed image exchange is taken placed between the camera and image spot via a wireless link 60; see figure 1, Col. 4, lines 61-65*).

As to claim 8, this claimed invention is also met by the analysis of claim 1. Kato further discloses a monitor configured to display an information including the photography instruction information (*i.e., display means 11 of the digital camera 3 displays each photography information sent by the computer 2, figure 3, paragraph [0005]*).

With regard to claim 9, Kato in view of Squilla discloses all basic limitations as discussed in claim 8. Kato and Squilla, in combination, further discloses the transmitter configured to send the image data stored in the storage memory to the image management apparatus via the wireless communication network (*i.e., information and image data is to be transmitted and received via wireless link 60; see figure 1, Col. 4, lines 61-65*).

As to claim 11, this claimed invention is also met by the analysis of claim 1. Kato further discloses an imaging unit (*digital camera 3, figs 2 and 3*) configured to obtain an image data representing the subject by photography of the subject (*i.e., photograph of a civil engineering which can be considered as an image data; see paragraph [0005]*)

With regard to claim 14, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato further discloses the photography instruction information includes a plurality of subjects to be photographed (*i.e., photography instruction information data base includes a plurality of photography information of objects; see figure 6, paragraph [0005]*).

With regard to claim 15, Kato in view of Squilla discloses all basic limitations as discussed in claim 8. Kato further discloses the photography instruction information includes a plurality of subjects to be photographed (*i.e., photography instruction information data base includes a plurality of photography information of objects; see figure 6, paragraph [0005]*).

With regard to claim 16, Kato in view of Squilla discloses all basic limitations as discussed in claim 11. Kato further discloses the photography instruction information includes a plurality of subjects to be photographed (*i.e., photography instruction information data base includes a plurality of photography information of objects; see figure 6, paragraph [0005]*).

With regard to claim 17, Kato in view of Squilla discloses all basic limitations as discussed in claim 11, **except** for the image management apparatus further comprises a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communications interface so that the photography instruction information corresponding to the image data is sent again to the imaging apparatus if the storage memory does not have the image data corresponding to the photography instruction information. *However, one of ordinary skill in the art could have been capable of applying this known technique and the results would have been predictable.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to modify the Kato device by applying this known technique for improvement. Doing so, it would have the received information is checked and compared with the stored information ensuring that missing information and/or image data would have been detected and the sender would be timely informed in order for the missing piece would be resent, and furthermore the received information and/or image data would have been correct prior to processing to the next step.

With regard to claim 18, Kato in view of Squilla discloses all basic limitations as discussed in claim 11, **except** for the image management apparatus further comprises a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communications interface so that the photography instruction information corresponding to the image data is sent again to the imaging apparatus if the storage memory does not have the image data corresponding to the photography instruction information. *However, one of ordinary skill in the art could have been capable of applying this known technique and the results would have been predictable.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to modify the Kato device by applying this known technique for improvement. Doing so, it would have the received information is checked and compared with the stored information ensuring that missing information and/or image data would have been detected and the sender would be timely informed in order

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for the missing piece would be resent, and furthermore the received information and/or image data would have been correct prior to processing to the next step.

With regard to claim 19, Kato in view of Squilla discloses all basic limitations as discussed in claim 1, **except** for a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communication interface such that the photography instruction information corresponding to the image data sent again to the imaging apparatus if the image data does not meet a predetermined level of quality.

However, *Hull discloses in figure 1*, the portable image transfer system which includes a digital camera capturing image in digital form and stores in the memory, a cellular telephone transmitter, controlled by the CPU, transmits the data received from the camera memory. Hull further teaches that Images can be captured and sent to the server for processing with the server interactively responding with requests for the additional images. Thus, the server would process the captured images to determine if a good stereo image can be created. If portions of the stereo image are unacceptable, the server can signal, via the digital still video camera, the photographer to capture additional images. *Thus, the server can be considered as the communication control unit which compares and determines if the obtained images are acceptable where an acceptable quality equates to a predetermined level of quality; see Col. 3, lines 34-54).*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Hull so that the

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quality of the captured images would be improved along with the money and time saving since the photographer would not have to make multiple trips between the remote station and the server station.

With regard to claim 22, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato further discloses the photography instruction information includes at least one of a sketch representing the subject, an information comprising characters representing a subject location, a code information representing a subject type, and a number representing a construction process (*i.e., displayed photography information includes schematic representing the subject and text data of the subject; see figure 1, 5, and 6, paragraph [0005]*).

With regard to claim 23, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato further discloses the photography instruction information is sent to the imaging device, prior to the imaging device arriving at a location of the subject to be photographed (*i.e., the photography information of subject to be photoed sent from the computer to the digital camera with the information is to be stored in the camera memory, and the information is to be carried with the user to the site. Thus, the camera received the photography information prior to arriving to the photographing site; see paragraph [0005]*).

With regard to claim 24, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Kato further discloses the photography instruction information is sent to the imaging device, prior to initiating an image capture command to the imaging device (*i.e., the photography information of subject to be photoed sent from the*

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computer to the digital camera with the information is to be stored in the camera memory, and the information is to be carried with the user to the photographing site. Thus, the camera received the photography information prior to the object photographing is taken; see paragraph [0005]).

4. Claims 5, 10, 20 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kato (translation copy of JP 2001024982), cited by the Applicant, in view of Squilla et al. (US 6,919,920 B2), **as applied to claims 3, 9, 8, and 11**, and further in view of Hull et al. (US 5,806,005).

With regard to claim 5, Kato in view of Squilla discloses all basic limitations as discussed in claim 3. Squilla further discloses the communication control unit is configured to control the communication unit so as to send to the imaging apparatus the photography instruction information corresponding to the position of the imaging apparatus (i.e., *the digital image is exchanged between the digital camera 24 and the image spot 10 via wireless link 60*) (see figure 1, Col. 4, lines 47-51 and Col. 5, lines 29-34).

Both Kato and Squilla **do not explicitly disclose** a position detector configured to a position of the imaging apparatus.

However, *Hull teaches and discloses in figure 1, Col. 1 line 65 to Col. 2, line 62*, an improved portable image transfer system which includes a digital camera capturing image in digital form and stores in the memory, a cellular telephone transmitter, controlled by the CPU, transmits the data received from the camera memory. If the

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location information is to be included with each captured image, a GPS receiver can be coupled to the CPU.

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to modify the Kato device by incorporating the method as taught by Hull so that the position information can be included with the captured image.

With regard to claim 10, Kato in view of Squilla discloses all basic limitations as discussed in claim 9. Squilla further discloses a transmitter controller configured to control transmission control means for controlling the transmitter so as transmission means to send the position information to the image management apparatus (*i.e., the digital image is exchanged between the digital camera 24 and the image spot 10 via wireless link 60*) (see figure 1, Col. 4, lines 47-51 and Col. 5, lines 29-34).

Both Kato and Squilla **do not explicitly disclose** a position detector configured to obtain position information representing a position of an imaging apparatus.

However, as taught by Hull and disclosed in figure 1, Col. 1 line 65 to Col. 2, line 62, wherein an improved portable image transfer system which includes a digital camera capturing image in digital form and stores in the memory, a cellular telephone transmitter, controlled by the CPU, transmits the data received from the camera memory. If the location information is to be included with each captured image, a GPS receiver can be coupled to the CPU.

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to modify the Kato device by incorporating the method as taught by Hull so the position information can be included with the captured image.

With regard to claim 20, Kato in view of Squilla discloses all basic limitations as discussed in claim 8, **except** for a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communication interface such that the photography instruction information corresponding to the image data sent again to the imaging apparatus if the image data does not meet a predetermined level of quality.

However, *Hull discloses in figure 1*, the portable image transfer system which includes a digital camera capturing image in digital form and stores in the memory, a cellular telephone transmitter, controlled by the CPU, transmits the data received from the camera memory. Hull further teaches that Images can be captured and sent to the server for processing with the server interactively responding with requests for the additional images. Thus, the server would process the captured images to determine if a good stereo image can be created. If portions of the stereo image are unacceptable, the server can signal, via the digital still video camera, the photographer to capture additional images. *Thus, the server can be considered as the communication control unit which compares and determines if the obtained images are acceptable where an acceptable quality equates to a predetermined level of quality; see Col. 3, lines 34-54).*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Hull so that the quality of the captured images would be improved along with the money and time

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saving since the photographer would not have to make multiple trips between the remote station and the server station.

With regard to claim 21, Kato in view of Squilla discloses all basic limitations as discussed in claim 11, **except** for a communication control unit configured to compare the image data stored in the storage memory with the photography instruction information stored in the photography instruction information storage memory, and for controlling the communication interface such that the photography instruction information corresponding to the image data sent again to the imaging apparatus if the image data does not meet a predetermined level of quality.

However, *Hull discloses in figure 1*, the portable image transfer system which includes a digital camera capturing image in digital form and stores in the memory, a cellular telephone transmitter, controlled by the CPU, transmits the data received from the camera memory. Hull further teaches that Images can be captured and sent to the server for processing with the server interactively responding with requests for the additional images. Thus, the server would process the captured images to determine if a good stereo image can be created. If portions of the stereo image are unacceptable, the server can signal, via the digital still video camera, the photographer to capture additional images. *Thus, the server can be considered as the communication control unit which compares and determines if the obtained images are acceptable where an acceptable quality equates to a predetermined level of quality; see Col. 3, lines 34-54).*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Hull so that the

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quality of the captured images would be improved along with the money and time saving since the photographer would not have to make multiple trips between the remote station and the server station.

5. Claims 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (translation copy of JP 2001024982), cited by the applicant, in view of Squilla et al. (US 6,919,920 B2), **as applied to claims 1, 8, and 11**, and further in view of Coverdale et al. (US 6,373,842 B1).

With regard to claim 6, Kato in view of Squilla discloses all basic limitations as discussed in claim 1. Tako further discloses the photography instruction information includes a photography process representing the type of the subject to be photographed (*i.e., the photography instruction and photography process is described in detailed in paragraph [0005]*).

Both Squilla and Lim **do not explicitly teach** a deadline for obtaining the image data.

However, *Coverdal teaches and discloses in figures 2-7, Col. 5, line 29 to Col. 6, line 41*, the requested images data from a wireless terminal 140 can be delivered by a voice mail server 110 via the wireless network 120. Coverdale further teaches the processing method for requesting images data and the deadline imposed on *i.e., if the retransmitted frame arrives prior to the time that frame needs to be delivered, the corrupted frame is replaced by the retransmitted frame, and if the retransmitted frame is not received prior to the time that frame needs to be delivered, the corrupted frame is reconstructed. Any retransmitted frame which arrives too late is discarded.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Coverdale so that the photographer would be able to effectively plan his schedule for the day without wasting valuable time.

With regard to claim 12, Kato in view of Squilla discloses all basic limitations as discussed in claim 8. Tako further discloses the photography instruction information includes a photography process representing the type of the subject to be photographed (*i.e., the photography instruction and photography process is described in detailed in paragraph [0005]*).

Both Kato and Squilla **do not explicitly disclose** a deadline for obtaining the image data.

However, *Coverdal discloses and discloses in figures 2-7, Col. 5, line 29 to Col. 6, line 41*, the requested images data from a wireless terminal 140 can be delivered by a voice mail server 110 via the wireless network 120. Coverdale further teaches the processing method for requesting images data and the deadline imposed on *i.e., if the retransmitted frame arrives prior to the time that frame needs to be delivered, the corrupted frame is replaced by the retransmitted frame, and if the retransmitted frame is not received prior to the time that frame needs to be delivered, the corrupted frame is reconstructed. Any retransmitted frame which arrives too late is discarded.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Coverdale so

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that the photographer would be able to effectively plan his schedule for the day without wasting valuable time.

With regard to claim 13, Kato in view of Squilla discloses all basic limitations as discussed in claim 11. Kato further discloses the photography instruction information includes a photography process representing the type of the subject to be photographed (*i.e., the photography instruction and photography process is described in detailed in paragraph [0005]*).

Both Kato and Squilla **do not explicitly** disclose a deadline for obtaining the image data.

However, *Coverdal teaches and discloses in figures 2-7, Col. 5, line 29 to Col. 6, line 41*, the requested images data from a wireless terminal 140 can be delivered by a voice mail server 110 via the wireless network 120. Coverdale further teaches the processing method for requesting images data and the deadline imposed on *i.e., if the retransmitted frame arrives prior to the time that frame needs to be delivered, the corrupted frame is replaced by the retransmitted frame, and if the retransmitted frame is not received prior to the time that frame needs to be delivered, the corrupted frame is reconstructed. Any retransmitted frame which arrives too late is discarded.*

Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art by incorporating the method as taught by Coverdale so that the photographer would be able to effectively plan his schedule for the day without wasting valuable time.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRUNG DIEP whose telephone number is (571)270-5088. The examiner can normally be reached on Mon.,- Thur., 8:00 am,-5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Trung Diep/
Examiner, Art Unit 2622

/NHAN T TRAN/
Primary Examiner, Art Unit 2622